

Application No. 09/882,630
Dated: August 10, 2005
Reply to Office action of July 11, 2005

REMARKS/ARGUMENTS

This amendment is in response to the Office action mailed on July 11, 2005. Claims 1 - 22 were originally filed in the application on June 13, 2001. In a preliminary amendment filed concurrently with the application claims 1-9, 11 and 15-20 were canceled and claims 23-31 were added. Claims 10, 12-14 and 21-22 from the parent U.S. Patent Application No. 09/303,485 were subject to a restriction requirement and were not elected. Claims 10, 12-14 and 21-31 are pending in the application. The specification has been amended to correct a typographical error introduced by the preliminary amendment.

The Action requires an election of claims from one of two groups of claims, Group I, claims 1-9, 11, 15-20 and Group II, claims 10, 12-14 and 21-22. Also, the action indicates that the application contains claims directed to five patentably distinct species of the claimed invention. The action further requires an election of a disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. The action also states that some claims are generic. As the preliminary amendment was not accounted for in this Action since only claims 10, 12-14 and 21-31 are pending in the application, the election/restriction requirement is improper and thus Applicant traverses the election/restriction requirement.

In response to the election/restriction requirement, Applicant provisionally elects Group II, claims 10, 12-14 and 21-31, and the Species III as shown in FIGs. 7-9. As such, claims 10, 12-14, 21-23 and 28-31, readable thereon, are elected. However, if based on the preliminary amendment the Examiner believes a different election/restriction requirement is required or grouping of claims, Applicant reserves the right to change election of inventions/species and claims directed thereto. Additionally, Applicant submits that claims 10 and 21, for example, are generic, and if claims 10 and 21 are found to be allowable, then rejoinder and allowance of non-elected claims dependent therefrom may be appropriate.

Application No. 09/882,630

Dated: August 10, 2005

Reply to Office action of July 11, 2005

Applicant respectfully requests reconsideration of the application and allowance of the pending claims. If the Examiner believes that a telephone conference with Applicant's attorney might expedite prosecution of the application, the Examiner is invited to call at the telephone number indicated below.

Respectfully Submitted,

APPLIED MEDICAL RESOURCES

BY



Patrick Y. Ikehara
Reg. No. 42,681
Tel: (949) 713-8383

BEST AVAILABLE COPY